

Message Text

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ACTION SS-25

INFO OCT-01 ADP-00 /026 W
----- 019566

R 100750 Z MAR 73

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 2961

INFO CMDR JCRC NKP THAI

CINCPAC

AMEMBASSY BANGKOK

AMEMBASSY SAIGON

USSAG NKP

S E C R E T SECTION 1 OF 2 VIENTIANE 1769

EXDIS

E. O. 11652: GDS

TAGS: MOPS, CASC, LA

SUBJECT: JCRC, CASUALTY RESOLUTION ACTIVITIES IN LAOS

REF: SECDEF MEMO TO SECRETARY, FEB 8, 1973

BEGIN SUMMARY: REFMEMO INFORMED DEPT OF ESTABLISHMENT OF JCRC AT NKP, THAILAND, AND OUTLINES IN GENERAL TERMS JCRC ORGANIZATION AND PLAN OF OPERATIONS FOR CONDUCTING CASUALTY RESOLUTION (CR) ACTIVITIES IN SEASIA. JCRC ACTIVITIES IN LAOS ENVISIONED IN PLAN ARE, IN MOST MATERIAL RESPECTS, INCONCISTENT WITH SPECIFIC TERMS OF AGREEMENT SIGNED IN VIENTIANE ON FEB 21, 1973. ALL LAOS CRASH SITE ARE IN AREA THAT, BY TERMS OF VIENTIANE AGREEMENT, WILL REMAIN UNDER SOLE CONTROL OF LPF FOR AN INDEFINITE PERIOD OF TIME. EMBASSY IS NOT OPTIMISTIC THAT PROCEDURES TO BE DEVELOPED BY LAO PARTIES TO IMPLEMENT ARTICLE 5 OF THE AGREEMENT WIL PERMIT PLANNED CR ACTIVITIES. END SUMMARY.

1. REFMEMO PRESENTS OUTLINE OF JCS CONPLAN 5100 , A DOCUMENT COMPRISING SOME THIRTY PAGES. PLAN OF OPERATIONS IS EXPRESSLY BASED ON FOLLOWING ASSUMPTION: (A) THE GOVERNMENT OF LAOS WILL COOPERATE WITH THE U. S. BY CONDUCTING OR
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PARTICIPATING IN CR OPERATIONS; (B) THE CEASEFIRE AGREEMENT WILL INCLUDE MILITARY CEILINGS IN LAOS; (C) CEASE-FIRE VIOLATION RISKS AND CASUALTY RISKS FOR U. S. PERSONNEL WILL BE MINIMIZED; (D) CONDITIONS FOR COORDINATION WITH ENEMY FORCES WILL BE PROVIDED UNDER THE TERMS OF THE CEASE-FIRE AGREEMENT; AND (E) LIAISON OFFICER WILL COORDINATE IN-COUNTRY ACTIVITIES THROUGH CINCPAC SENIOR MILITARY REP OR AMEMBASSIES. THE KEY ASSUMPTION ARE IN CONFLICT WITH ARTICLES 3(A) AND 3(D) OF THE VIENTIANE AGREEMENT, WHICH PRECLUDE THE LAO PARTIES FROM CONDUCTING GROUND AND AIR ACTIVITIES IN THE OTHER SIDE' S ZONE OF CONTROL (3/ AL AND WHICH PROHIBIT ENTRY OF MILITARY (REGULAR AND IRREGULAR) PERSONNEL INTO LAOS (3/ D) .

2. AS ALL UNINSPECTED CRASH SITES IN LAOS ARE IN THE PL ZONE OF CONTROL, THE FIRST ASSUMPTION (1- A ABOVE) IS NOT NECESSARILY VALID IN TERMS OF THE VIENTIANE AGREEMENT. ARTICLE 10(A) PROVIDES THAT THE LAO SIDES WILL PRESERVE THEIR OWN ZONES OF TEMPORARY CONTROL UNTIL THE ELECTION OF A NEW NATIONAL ASSEMBLY AND THE ESTABLISHMENT OF A PERMANENT GOVERNMENT OF NATIONAL UNION. AS THE AGREEMENT DOES NOT PROVIDE A SPECIFIC TIME FRAME FOR THE ELECTION AND ESTABLISHMENT OF A PERMANENT GOVERNMENT, ANY PERMISSION TO CONDUCT CR ACTIVITIES IN THE NEAR FUTURE MUST BE OBTAINED FROM THE LPF. VIENTIANE 9122 ADDRESSED THIS PROBLEM ON DEC 8, 1972.

3. PARAGRAPHS 27 THROUGH 33 OF VIENTIANE 1420 PROVIDED INITIAL ANALYSIS OF ARTICLE 5 OF VIENTIANE AGREEMENT AND DESCRIBE EMBASSY' S EFFORTS TO OBTAIN A TIGHTER MIA PROVISION. UNFORTUNATELY, THE SECOND PARAGRAPH OF ARTICLE 5, WHICH APPEARS IN THE FINAL AGREEMENT, PROVIDES THE SOLE BASIS FOR FUTURE ACTIVITIES RELATED TO MIA ACCOUNTING. THE PROCEDURES FOR IMPLEMENTING THIS PROVISION ARE TO BE ESTABLISHED BY THE JOINT COMMISSION PRESCRIBED BY ARTICLE 11 OF THE AGREEMENT.

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S E C R E T SECTION 2 OF 2 VIENTIANE 1769

EXDIS

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4. UNLIKE THE NEGOTIATIONS LEADING TO THE PARIS AGREEMENT ON VIETNAM, THE U. S. WAS NOT A PARTY TO THE NEGOTIATIONS HERE. ALTHOUGH THE U. S. IS A PARTY TO THE FPJMC IN VIETNAM AND CAN NEGOTIATE DIRECTLY TERMS OF CR ACTIVITIES, WE WILL HAVE TO RELY ON RLG NEGOTIATORS TO PRESS OUR REQUIREMENTS HERE. THERE IS NO PROVISION IN THE VIENTIANE AGREEMENT SIMILAR TO ARTICLE 10 OF THE VIETNAM PRISONER PROTOCOL WHICH OBLIGATES PARTIES TO UNDERTAKE DEFINED CR ACTIVITIES NOR DID THE NEGOTIATORS OF THE VIENTIANE AGREEMENT ENTER INTO ANY UNDERSTANDING REGARDING THE SCOPE OR DETAILS OF THE GENERAL TERMS OF THE MIA PROVISION.

5. WE ARE VERY MUCH AWARE OF INTENSE USG INTEREST IN DEVELOPING AN EFFECTIVE CR PROGRAM FOR LAOS; HOWEVER, THE POLITICAL REALITIES HERE AND THE CONSTRAINTS RESULTING FROM THE VIENTIANE AGREEMENT MUST BE RECKONED WITH. WE HAVE MENTIONED THIS SUBJECT TO SOUVANNA AND PHENG PHONG-SAVAN AND HAVE STRESSED IMPORTANCE THE USG ATTACHES TO THIS PROJECT. FRANKLY, WE ARE NOT OPTIMISTIC THAT THE LPF WILL LOOK FAVORABLY ON A PLAN THAT WILL AUTHORIZE U. S. - LED
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TEAMS TO ENGAGE IN SEARCH AND INSPECTION ACTIVITIES IN THOSE PRECISE AREAS OF LAOS WHERE THEIR INTERESTS (AND THOSE OF NVA) WOULD DEMAND THAT THEIR FORCES OPERATE UNOBSERVED AND UNIMPEDED. WE BELIEVE IT IS, HOWEVER, IT SHOULD BE NOTED THAT WITHIN THE REALM OF POSSIBILITY THAT WE WILL BE ABLE TO HAVE INDIGENOUS TEAMS VISIT, PHOTOGRAPH AND REMOVE REMAINS FROM CRASH SITES. WE MIGHT EVEN BE ABLE TO HAVE U. S. CIVILIANS ACCOMPANY THESE TEAMS. TO LOCATE CRASH

SITES (AS DISTINCT FROM INSPECTING THEM ONCE THEY ARE LOCATED) IT IS TOTALLY UNREALISTIC NOW TO THINK IN TERMS OF USING AMERICANS.

6. I HAVE ALREADY MET ON SEVERAL OCCASIONS WITH THE JCRC COMMANDER AND HIS STAFF AS HAVE OTHER MEMBERS OF THE MISSION. WE HAVE BRIEFED THEM ON THE PROBLEMS NOTED ABOVE. WHILE THEY APPRECIATE THE RESTRAINTS THAT ARE INVOLVED, THEY ARE UNDER INSTRUCTIONS PURSUANT TO THE JCS PLAN WHICH IS INAPPLICABLE IN LAOS TODAY.

7. I DO NOT WISH TO BE TOO PESSIMISTIC IN REGARD TO CR ACTIVITIES IN LAOS. I THINK THERE ARE SEVERAL FACTORS IN OUR FAVOR, ONE OF WHICH MIGHT BE THE DESIRE OF THE ENEMY TO RETRIEVE THE REMAINS OF THEIR PERSONNEL BURIED IN GOVERNMENT CONTROLLED AREAS. THERE ARE RECENT INDICATIONS OF ORDERS BEING GIVEN TO THE ENEMY PRINCIPALLY IN MR III, CLEARLY TO IDENTIFY GRAVE SITES. ANOTHER FACTOR IS THE FACT THAT I AM QUITE CERTAIN THE RLG WILL DO EVERYTHING IT CAN TO ASSIST US IN OUR WORK PROVIDED WE FOOT THE BILL. I ALSO BELIEVE THAT THE JCRC ACTIVITIES IN VIETNAM WILL SERVE AS A GOOD PRECEDENT FOR RELATED ACTIVITIES HERE. I SAY RELATED BECAUSE I DO NOT BELIEVE ACTIVITIES IN LAOS COULD BE SIMILAR TO THOSE IN VIETNAM BUT WILL HAVE THE SAME OBJECTIVES. DIRECT U. S. HIRE INDIGENOUS PERSONNEL IS FOR THE TIME BEING OUT OF THE QUESTION. I THINK, HOWEVER, WE MIGHT BE ABLE TO INSTITUTE A LAO BODY CONCERNED WITH CASUALTY RESOLUTION FOR ALL PARTIES WHICH COULD, ON OUR BEHALF, ENGAGE CR TEAMS. THESE TEAMS MIGHT EVEN RECEIVE SPECIAL TRAINING BY JCRC PERSONNEL AT UDORN OR SOME OTHER FACILITY IN THAILAND.

8. IN VIEW OF THE FOREGOING, I BELIEVE IT IS
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ESSENTIAL THAT IN RESPONDING TO SECRETARY RICHARDSON'S MEMORANDUM OF FEBRUARY 9 THE DEPARTMENT EMPHASIZE THE CURRENT LIMITATIONS ON JCRC ACTIVITIES IN LAOS AND INSIST THAT THE INSTRUCTION TO JCRC PERSONNEL BE MAINTAINED AS FLEXIBLE AS POSSIBLE. I WOULD ALSO HOPE THAT IN THE DEPARTMENT'S RESPONSE IT WOULD BE CLEARLY STATED THAT ALL ELEMENTS OF OUR MISSION IN LAOS WILL DO EVERYTHING THEY CAN TO ASSIST THE JCRC IN THE ACCOMPLISHMENT OF THEIR MISSION.
GODLEY

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